

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 206.608(3), 220.1896, 253.034(13) and (16),
 4 332.007(8), 339.08(4), 401.465(2)(i), 406.61(3),
 5 946.515(8), and 1010.10, F.S.; and amending ss.
 6 215.555(4)(b), 339.135(4)(a) and (5), 394.908(3), and
 7 893.055(7)(d), F.S.; to delete provisions which have
 8 become inoperative by noncurrent repeal or expiration
 9 and, pursuant to s. 11.242(5)(b) and (i), may be
 10 omitted from the 2013 Florida Statutes only through a
 11 reviser's bill duly enacted by the Legislature;
 12 amending s. 220.02(8), F.S., to conform a cross-
 13 reference; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (3) of section 206.608, Florida
 18 Statutes, is repealed.

19 Reviser's note.—The cited subsection, which provides that, for
 20 the 2011-2012 fiscal year only, and notwithstanding
 21 subsection (2), the remaining proceeds of the tax levied
 22 pursuant to s. 206.41(1)(f) and all of the proceeds from
 23 the tax imposed by s. 206.87(1)(d) shall be transferred
 24 into the State Transportation Trust Fund and be used for
 25 the purposes stated in s. 339.08, expired pursuant to its
 26 own terms, effective July 1, 2012.

27 Section 2. Paragraph (b) of subsection (4) of section
 28 215.555, Florida Statutes, is amended to read:

29 | 215.555 Florida Hurricane Catastrophe Fund.—

30 | (4) REIMBURSEMENT CONTRACTS.—

31 | (b)1. The contract shall contain a promise by the board to
 32 | reimburse the insurer for 45 percent, 75 percent, or 90 percent
 33 | of its losses from each covered event in excess of the insurer's
 34 | retention, plus 5 percent of the reimbursed losses to cover loss
 35 | adjustment expenses.

36 | 2. The insurer must elect one of the percentage coverage
 37 | levels specified in this paragraph and may, upon renewal of a
 38 | reimbursement contract, elect a lower percentage coverage level
 39 | if no revenue bonds issued under subsection (6) after a covered
 40 | event are outstanding, or elect a higher percentage coverage
 41 | level, regardless of whether or not revenue bonds are
 42 | outstanding. All members of an insurer group must elect the same
 43 | percentage coverage level. Any joint underwriting association,
 44 | risk apportionment plan, or other entity created under s.
 45 | 627.351 must elect the 90-percent coverage level.

46 | 3. The contract shall provide that reimbursement amounts
 47 | shall not be reduced by reinsurance paid or payable to the
 48 | insurer from other sources.

49 | ~~4. Notwithstanding any other provision contained in this~~
 50 | ~~section, the board shall make available to insurers that~~
 51 | ~~purchased coverage provided by this subparagraph in 2008,~~
 52 | ~~insurers qualifying as limited apportionment companies under s.~~
 53 | ~~627.351(6) (c), and insurers that have been approved to~~
 54 | ~~participate in the Insurance Capital Build Up Incentive Program~~
 55 | ~~pursuant to s. 215.5595 a contract or contract addendum that~~
 56 | ~~provides an additional amount of reimbursement coverage of up to~~

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57 | ~~\$10 million. The premium to be charged for this additional~~
58 | ~~reimbursement coverage shall be 50 percent of the additional~~
59 | ~~reimbursement coverage provided, which shall include one prepaid~~
60 | ~~reinstatement. The minimum retention level that an eligible~~
61 | ~~participating insurer must retain associated with this~~
62 | ~~additional coverage layer is 30 percent of the insurer's surplus~~
63 | ~~as of December 31, 2008, for the 2009-2010 contract year; as of~~
64 | ~~December 31, 2009, for the 2010-2011 contract year; and as of~~
65 | ~~December 31, 2010, for the 2011-2012 contract year. This~~
66 | ~~coverage shall be in addition to all other coverage that may be~~
67 | ~~provided under this section. The coverage provided by the fund~~
68 | ~~under this subparagraph shall be in addition to the claims-~~
69 | ~~paying capacity as defined in subparagraph (c)1., but only with~~
70 | ~~respect to those insurers that select the additional coverage~~
71 | ~~option and meet the requirements of this subparagraph. The~~
72 | ~~claims-paying capacity with respect to all other participating~~
73 | ~~insurers and limited apportionment companies that do not select~~
74 | ~~the additional coverage option shall be limited to their~~
75 | ~~reimbursement premium's proportionate share of the actual~~
76 | ~~claims-paying capacity otherwise defined in subparagraph (c)1.~~
77 | ~~and as provided for under the terms of the reimbursement~~
78 | ~~contract. The optional coverage retention as specified shall be~~
79 | ~~accessed before the mandatory coverage under the reimbursement~~
80 | ~~contract, but once the limit of coverage selected under this~~
81 | ~~option is exhausted, the insurer's retention under the mandatory~~
82 | ~~coverage will apply. This coverage will apply and be paid~~
83 | ~~concurrently with mandatory coverage. This subparagraph expires~~
84 | ~~on May 31, 2012.~~

85 Reviser's note.—Amended to delete subparagraph 4., which expired
 86 pursuant to its own terms, effective May 31, 2012.

87 Section 3. Section 220.1896, Florida Statutes, is
 88 repealed.

89 Reviser's note.—The cited section, which relates to the Jobs for
 90 the Unemployed Tax Credit Program, expired pursuant to its
 91 own terms, effective June 30, 2012.

92 Section 4. Subsections (13) and (16) of section 253.034,
 93 Florida Statutes, are repealed.

94 Reviser's note.—The cited subsections, which relate to deposit
 95 into the Citrus Advertising Trust Fund of funds derived
 96 from the sale of certain Department of Citrus property and
 97 transfer of all lease interest in lands on which the G.
 98 Pierce Wood Hospital is located to the Florida Polytechnic
 99 University, including any existing subleases, expired
 100 pursuant to their own terms, effective July 1, 2012.

101 Section 5. Subsection (8) of section 332.007, Florida
 102 Statutes, is repealed.

103 Reviser's note.—The cited subsection, which relates to funding
 104 authorization for security projects at publicly owned
 105 public-use airports, expired pursuant to its own terms,
 106 effective June 30, 2012.

107 Section 6. Subsection (4) of section 339.08, Florida
 108 Statutes, is repealed.

109 Reviser's note.—The cited subsection, authorizing transfer of
 110 funds, for the 2011-2012 fiscal year only, from the State
 111 Transportation Trust Fund to the State School Trust Fund or
 112 the General Revenue Fund as specified in the General

113 Appropriations Act and reduction of the total amount
 114 transferred from total state revenues deposited into the
 115 State Transportation Trust Fund for the calculation
 116 requirements of ss. 206.46(3) and 206.606(2), expired
 117 pursuant to its own terms, effective July 1, 2012.

118 Section 7. Paragraph (a) of subsection (4) and subsection
 119 (5) of section 339.135, Florida Statutes, as amended by section
 120 55 of chapter 2012-96, Laws of Florida, are amended to read:

121 339.135 Work program; legislative budget request;
 122 definitions; preparation, adoption, execution, and amendment.—

123 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

124 (a)1. To assure that no district or county is penalized
 125 for local efforts to improve the State Highway System, the
 126 department shall, for the purpose of developing a tentative work
 127 program, allocate funds for new construction to the districts,
 128 except for the turnpike enterprise, based on equal parts of
 129 population and motor fuel tax collections. Funds for
 130 resurfacing, bridge repair and rehabilitation, bridge fender
 131 system construction or repair, public transit projects except
 132 public transit block grants as provided in s. 341.052, and other
 133 programs with quantitative needs assessments shall be allocated
 134 based on the results of these assessments. The department may
 135 not transfer any funds allocated to a district under this
 136 paragraph to any other district except as provided in subsection
 137 (7). Funds for public transit block grants shall be allocated to
 138 the districts pursuant to s. 341.052. Funds for the intercity
 139 bus program provided for under s. 5311(f) of the federal
 140 nonurbanized area formula program shall be administered and

141 allocated directly to eligible bus carriers as defined in s.
 142 341.031(12) at the state level rather than the district. In
 143 order to provide state funding to support the intercity bus
 144 program provided for under provisions of the federal 5311(f)
 145 program, the department shall allocate an amount equal to the
 146 federal share of the 5311(f) program from amounts calculated
 147 pursuant to s. 206.46(3).

148 2. Notwithstanding the provisions of subparagraph 1., the
 149 department shall allocate at least 50 percent of any new
 150 discretionary highway capacity funds to the Florida Strategic
 151 Intermodal System created pursuant to s. 339.61. Any remaining
 152 new discretionary highway capacity funds shall be allocated to
 153 the districts for new construction as provided in subparagraph
 154 1. For the purposes of this subparagraph, the term "new
 155 discretionary highway capacity funds" means any funds available
 156 to the department above the prior year funding level for
 157 capacity improvements, which the department has the discretion
 158 to allocate to highway projects.

159 ~~3. Notwithstanding subparagraphs 1. and 2. and ss.~~
 160 ~~201.15(1)(c)1.a.-d., 206.46(3), 334.044(26), and 339.2819(3),~~
 161 ~~and for the 2011-2012 fiscal year only, the department shall~~
 162 ~~reduce work program levels to balance the finance plan to the~~
 163 ~~revised funding levels resulting from any reduction in the 2011-~~
 164 ~~2012 General Appropriations Act. This subparagraph expires July~~
 165 ~~1, 2012.~~

166 ~~4. For the 2011-2012 fiscal year only, before any project~~
 167 ~~or phase thereof is deferred, the department's cash balances~~
 168 ~~shall be as provided in paragraph (6)(b), and the reductions in~~

169 ~~subparagraph 3. shall be made to financial projects not~~
 170 ~~programmed for contract letting as identified with a work~~
 171 ~~program contract class code 8 and the box code RV. These~~
 172 ~~reductions shall not negatively impact safety or maintenance or~~
 173 ~~project contingency percentage levels as of April 21, 2011. This~~
 174 ~~subparagraph expires July 1, 2012.~~

175 3.5. Notwithstanding subparagraphs 1. and 2. and ss.
 176 206.46(3) and 334.044(26), and for fiscal years 2009-2010
 177 through 2013-2014 only, the department shall annually allocate
 178 up to \$15 million of the first proceeds of the increased
 179 revenues estimated by the November 2009 Revenue Estimating
 180 Conference to be deposited into the State Transportation Trust
 181 Fund to provide for the portion of the transfer of funds
 182 included in s. 343.58(4)(a)1.a. or 2.a., as applicable. The
 183 transfer of funds included in s. 343.58(4) shall not negatively
 184 impact projects included in fiscal years 2009-2010 through 2013-
 185 2014 of the work program as of July 1, 2009, as amended pursuant
 186 to subsection (7). This subparagraph expires July 1, 2014.

187 (5) ADOPTION OF THE WORK PROGRAM.—

188 ~~(a)~~—The original approved budget for operational and fixed
 189 capital expenditures for the department shall be the Governor's
 190 budget recommendation and the first year of the tentative work
 191 program, as both are amended by the General Appropriations Act
 192 and any other act containing appropriations. In accordance with
 193 the appropriations act, the department shall, before the
 194 beginning of the fiscal year, adopt a final work program which
 195 shall only include the original approved budget for the
 196 department for the ensuing fiscal year, together with any roll

197 forwards approved pursuant to paragraph (6) (c), and the portion
 198 of the tentative work program for the following 4 fiscal years
 199 revised in accordance with the original approved budget for the
 200 department for the ensuing fiscal year together with the roll
 201 forwards. The adopted work program may include only those
 202 projects submitted as part of the tentative work program
 203 developed under the provisions of subsection (4), plus any
 204 projects which are separately identified by specific
 205 appropriation in the General Appropriations Act and any roll
 206 forwards approved pursuant to paragraph (6) (c). However, any
 207 transportation project of the department which is identified by
 208 specific appropriation in the General Appropriations Act shall
 209 be deducted from the funds annually distributed to the
 210 respective district pursuant to paragraph (4) (a). In addition,
 211 the department shall not in any year include any project or
 212 allocate funds to a program in the adopted work program that is
 213 contrary to existing law for that particular year. Projects
 214 shall not be undertaken unless they are listed in the adopted
 215 work program.

216 ~~(b) Notwithstanding paragraph (a), and for the 2011-2012~~
 217 ~~fiscal year only, the Department of Transportation shall~~
 218 ~~transfer funds to the Department of Economic Opportunity in an~~
 219 ~~amount equal to \$15 million for the purpose of funding~~
 220 ~~transportation-related needs of economic development projects.~~
 221 ~~This transfer does not reduce, delete, or defer any existing~~
 222 ~~projects funded, as of July 1, 2011, in the Department of~~
 223 ~~Transportation's 5-year work program. This paragraph expires~~
 224 ~~July 1, 2012.~~

225 ~~(c) Notwithstanding paragraph (a), and for the 2011-2012~~
 226 ~~fiscal year only, the Department of Transportation shall fund~~
 227 ~~airport development projects specified in the General~~
 228 ~~Appropriations Act and, unless requested by the airport sponsor,~~
 229 ~~may not reduce, delete, or defer any existing projects funded as~~
 230 ~~of July 1, 2011, in the Department of Transportation's 5-year~~
 231 ~~work program. This paragraph expires July 1, 2012.~~

232 Reviser's note.—Paragraph (4) (a) is amended to delete
 233 subparagraphs 3. and 4. Subsection (5) is amended to delete
 234 paragraphs (b) and (c). The deleted subunits expired
 235 pursuant to their own terms, effective July 1, 2012.

236 Section 8. Subsection (3) of section 394.908, Florida
 237 Statutes, is amended to read:

238 394.908 Substance abuse and mental health funding equity;
 239 distribution of appropriations.—In recognition of the historical
 240 inequity in the funding of substance abuse and mental health
 241 services for the department's districts and regions and to
 242 rectify this inequity and provide for equitable funding in the
 243 future throughout the state, the following funding process shall
 244 be used:

245 (3) ~~(a)~~ Any additional funding beyond the 2005-2006 fiscal
 246 year base appropriation for alcohol, drug abuse, and mental
 247 health services shall be allocated to districts for substance
 248 abuse and mental health services based on:

249 (a)1. Epidemiological estimates of disabilities that apply
 250 to the respective priority populations.

251 (b)2. A pro rata share distribution that ensures districts
 252 below the statewide average funding level per individual in each

253 priority population of "individuals in need" receive funding
 254 necessary to achieve equity.

255 ~~(b) Notwithstanding paragraph (a) and for the 2011-2012~~
 256 ~~fiscal year only, funds appropriated for forensic mental health~~
 257 ~~treatment services shall be allocated to the areas of the state~~
 258 ~~having the greatest demand for services and treatment capacity.~~
 259 ~~This paragraph expires July 1, 2012.~~

260 ~~(c) Notwithstanding paragraph (a) and for the 2011-2012~~
 261 ~~fiscal year only, additional funds appropriated for substance~~
 262 ~~abuse and mental health services from funds available through~~
 263 ~~the Community-Based Medicaid Administrative Claiming Program~~
 264 ~~shall be allocated as provided in the 2010-2011 General~~
 265 ~~Appropriations Act and in proportion to contributed provider~~
 266 ~~earnings. This paragraph expires July 1, 2012.~~

267 Reviser's note.—Amended to delete paragraphs (b) and (c), which
 268 expired pursuant to their own terms, effective July 1,
 269 2012.

270 Section 9. Paragraph (i) of subsection (2) of section
 271 401.465, Florida Statutes, is repealed.

272 Reviser's note.—The cited paragraph, which requires
 273 establishment by rule of a procedure for the initial
 274 certification of specified 911 public safety
 275 telecommunicators, expired pursuant to its own terms,
 276 effective October 1, 2012.

277 Section 10. Subsection (3) of section 406.61, Florida
 278 Statutes, is repealed.

279 Reviser's note.—The cited subsection, which relates to
 280 documentation of legal acquisition for certain plastinated

281 bodies by accredited museum entities, expired pursuant to
 282 its own terms, effective January 1, 2012.

283 Section 11. Paragraph (d) of subsection (7) of section
 284 893.055, Florida Statutes, is amended to read:

285 893.055 Prescription drug monitoring program.—

286 (7)

287 (d) Department staff, for the purpose of calculating
 288 performance measures pursuant to subsection (8), ~~The following~~
 289 ~~entities~~ shall not be allowed direct access to information in
 290 the prescription drug monitoring program database but may
 291 request from the program manager and, when authorized by the
 292 program manager, the program manager's program and support
 293 staff, information that contains no identifying information of
 294 any patient, physician, health care practitioner, prescriber, or
 295 dispenser and that is not confidential and exempt±

296 ~~1. department staff for the purpose of calculating~~
 297 ~~performance measures pursuant to subsection (8).~~

298 ~~2. The Program Implementation and Oversight Task Force for~~
 299 ~~its reporting to the Governor, the President of the Senate, and~~
 300 ~~the Speaker of the House of Representatives regarding the~~
 301 ~~prescription drug monitoring program. This subparagraph expires~~
 302 ~~July 1, 2012.~~

303 Reviser's note.—Amended to delete subparagraph 2., which expired
 304 pursuant to its own terms, effective July 1, 2012.

305 Section 12. Subsection (8) of section 946.515, Florida
 306 Statutes, is repealed.

307 Reviser's note.—The cited subsection, which requires each state
 308 agency to submit a report on June 30, 2012, listing

309 products or services obtained from a source other than the
 310 nonprofit corporation authorized to operate correctional
 311 work programs, expired pursuant to its own terms, effective
 312 July 1, 2012.

313 Section 13. Section 1010.10, Florida Statutes, is
 314 repealed.

315 Reviser's note.—The cited section, the Florida Uniform
 316 Management of Institutional Funds Act, was repealed by s.
 317 3, ch. 2011-170, Laws of Florida, effective July 1, 2012.
 318 Since the section was not repealed by a "current session"
 319 of the Legislature, it may be omitted from the 2013 Florida
 320 Statutes only through a reviser's bill duly enacted by the
 321 Legislature. See s. 11.242(5)(b) and (i).

322 Section 14. Subsection (8) of section 220.02, Florida
 323 Statutes, is amended to read:

324 220.02 Legislative intent.—

325 (8) It is the intent of the Legislature that credits
 326 against either the corporate income tax or the franchise tax be
 327 applied in the following order: those enumerated in s. 631.828,
 328 those enumerated in s. 220.191, those enumerated in s. 220.181,
 329 those enumerated in s. 220.183, those enumerated in s. 220.182,
 330 those enumerated in s. 220.1895, those enumerated in s. 220.195,
 331 those enumerated in s. 220.184, those enumerated in s. 220.186,
 332 those enumerated in s. 220.1845, those enumerated in s. 220.19,
 333 those enumerated in s. 220.185, those enumerated in s. 220.1875,
 334 those enumerated in s. 220.192, those enumerated in s. 220.193,
 335 those enumerated in s. 288.9916, those enumerated in s.
 336 220.1899, ~~those enumerated in s. 220.1896,~~ those enumerated in

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337 | s. 220.194, and those enumerated in s. 220.196.

338 | Reviser's note.—Amended to conform to the repeal of s. 220.1896

339 | by this act.

340 | Section 15. This act shall take effect on the 60th day
341 | after adjournment sine die of the session of the Legislature in
342 | which enacted.